

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

INTERNATIONAL INSURANCE COMPANY, )  
for itself and as Successor In Interest to )  
International Surplus Lines Insurance Company, )  
and The North River Insurance Company )  
Plaintiff, )  
v. )  
CAJA NACIONAL DE AHORRO Y SEGURO, )  
Defendant. )

AUG 2 2002  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT  
Civil Action No. 00 C 2189  
Hon. Joan B. Gottschall  
Magistrate Judge Edward A. Bobrick

NOTICE OF PETITION, FILING AND CERTIFICATE OF SERVICE

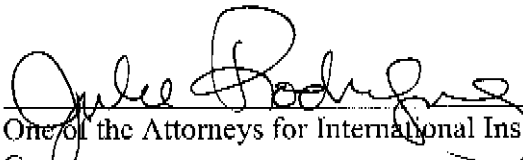
DOCKETED  
AUG 1 2 2002

TO: Jorge W. Moreira  
The Moreira Law Firm P.C.  
130 W. 42nd Street, Suite 501  
New York, NY 10036  
*VIA Overnight Courier*

Richard M. Clark  
Richard J. Retlberg  
McKenna, Storer, Rowe, White & Farrug  
200 N. LaSalle Street, Suite 3000  
Chicago, IL 60601  
*VIA Messenger*

**PLEASE TAKE NOTICE** that on **August 7, 2002** at 9:30 a.m., or as soon thereafter as I may be heard, I shall appear before the Honorable Joan B. Gottschall in Room 1919 of the United States District Court for the Northern District of Illinois, Eastern Division, Dirksen Federal Building, 219 S. Dearborn Street, Chicago, Illinois or in her absence, before any other Judge who may be sitting in her stead, and then and there present for hearing the attached **Petition to Prove Up Damages, Affidavit of Steven A. Falk, and Affidavit of Charles Allen**. These documents were filed with the Clerk of the United States District Court for the Northern District of Illinois on August 2, 2002, and copies are hereby served upon you.

I hereby certify that I caused a copy of this Notice and the aforementioned documents to be served upon all counsel listed above on August 2, 2002 by the method listed above.

  
One of the Attorneys for International Insurance  
Company

James I. Rubin (Attorney I.D. No. 02413191)  
R. Douglass Bond (Attorney I.D. No. 06203843)  
Julie C. Rodriguez (Attorney I.D. No. 06271412)  
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FOR THE NORTHERN DISTRICT OF ILLINOIS

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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

INTERNATIONAL INSURANCE COMPANY )  
for itself and as Successor in Interest to )  
INTERNATIONAL SURPLUS LINES )  
INSURANCE COMPANY and THE NORTH )  
RIVER INSURANCE COMPANY )

Plaintiff,

v.

CAJA NACIONAL DE AHORRO Y SEGURO,

Defendant.

Civil Action No. 00 C2189

Hon. Joan B. Gottschall

Magistrate Judge Edward A. Bobrick

PETITION TO PROVE UP DAMAGES

DOCKETED

AUG 12 2002

International Insurance Company ("IIC") by and through its attorneys, Butler Rubin Saltarelli & Boyd, hereby submits this petition and the attached affidavits to prove up its damages:

1. The court entered a default judgment against defendant Caja Nacional de Ahorro y Seguro ("Caja") on July 22, 2002. As of today's date, Caja has not contested this default judgment.

2. The attached affidavits show that IIC has suffered \$2,276,637.09 in damages in this action. Steven Falk, vice president of Riverstone Reinsurance Services, LLC, the run-off manager for IIC and its predecessors (collectively referred to as "IIC"), attests that IIC issued various insurance policies to Owens-Corning Fiberglass Corporation ("OCF"). (Falk Aff. ¶ 1, attached hereto as Exhibit 1.) Caja reinsured IIC with respect to these OCF policies pursuant to eight reinsurance contracts. (Falk Aff. ¶¶ 1, 3.) IIC paid Caja premium under each contract, but

Caja has not paid for its share of the losses incurred by IIC under the contracts. (Falk Aff. ¶ 11.) Through documents called "proofs of loss," IIC billed Caja through the reinsurance broker, Heath Lambert Group, for the overdue amounts, which total \$1,784,110. (Falk Aff. ¶ 12.) Including 5% prejudgment interest, as permitted by Illinois statute, 815 ILCS 205/2, the amount owed by Caja as of July 29, 2002 was \$2,276,637.09. (Falk Aff. ¶ 21.)

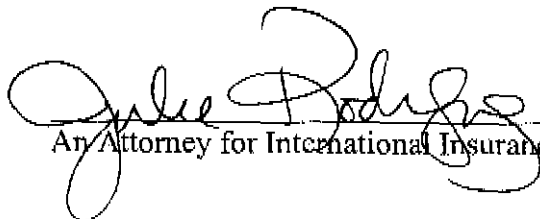
3. Charles Allen, an employee of Heath Lambert Group, attests in his affidavit that on behalf of IIC he placed the eight reinsurance contracts, which included Caja as one of a number of reinsurers. (Allen Aff. ¶¶ 1-2, attached hereto as Exhibit 2.) Allen attests that Heath Lambert passed on to Caja all proofs of loss received from IIC with respect to the reinsurance contracts at issue. (Allen Aff. ¶4.)

4. IIC does not anticipate the need for witnesses at the prove-up hearing. However, if the court desires live witness testimony, IIC can make arrangements for their appearance at a later hearing date.

WHEREFORE, IIC respectfully requests that the Court grant it judgment in the amount of \$2,276,637.09 based on the affidavits and proofs of damages attached hereto.

Respectfully submitted,

Dated: August 2, 2002

  
An Attorney for International Insurance Company

James I. Rubin (Attorney I.D. No. 02413191)  
R. Douglass Bond (Attorney I.D. No. 06203843)  
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*See Case  
File for  
Exhibits*